

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

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18. Okt. 2006

ZK PT SW AZ

IMPORTANT NOTIFICATION

Date of mailing (day/month/year) 12 October 2006 (12.10.2006)	
Applicant's or agent's file reference 04/004K	
International application No. PCT/EP2005/001155	International filing date (day/month/year) 04 February 2005 (04.02.2005)
Applicant KALLE GMBH et al	

1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 04/004K	FOR FURTHER ACTION	See item 4 below
International application No. PCT/EP2005/001155	International filing date (day/month/year) 04 February 2005 (04.02.2005)	Priority date (day/month/year) 07 February 2004 (07.02.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant KALLE GMBH		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).																								
2.	This REPORT consists of a total of 6 sheets, including this cover sheet.																								
In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																									
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 60%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VII	Certain defects in the international application																							
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 03 October 2006 (03.10.2006)
Facsimile No. +41 22 338 82 70 Form PCT/TB/373 (January 2004)	Authorized officer <div style="text-align: center; font-weight: bold;">Agnes Wittmann-Regis</div> e-mail: pt06@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

TRANSLATION
PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

See form PCT/ISA/210

Applicant's or agent's file reference

04/004K

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2005/001155

International filing date (day/month/year)

04.02.2005

Priority date (day/month/year)

07.02.2004

International Patent Classification (IPC) or both national classification and IPC

A22C13/00

Applicant

KALLE GMBH

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/IEP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/001155

Box No. 1

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY		International application No. PCT/EP2005/001155
Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	
1. Statement		
Novelty (N)	Claims <u>1-11, 14, 15</u>	YES
	Claims <u>12, 13</u>	NO
Inventive step (IS)	Claims <u>5, 8, 9, 14</u>	YES
	Claims <u>1-4, 6, 7, 10-13, 15</u>	NO
Industrial applicability (IA)	Claims <u>1-15</u>	YES
	Claims _____	NO
2. Citations and explanations:		
<p>1. Reference is made to the following documents:</p> <p>D1: DE 195 00 470 A1 (HUCKFELDT & THORLICHEN, 25436 TORNESCH, DE) 11 July 1996 (1996-07-11)</p> <p>D2: DE 102 17 132 A1 (KALLE GMBH & CO. KG) 6 November 2003 (2003-11-06)</p>		
<p>2. The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claims 12 and 13 is not novel within the meaning of PCT Article 33(2).</p>		
<p>2.1. Document D1 discloses (the references between parentheses refer to this document) a method for the production of a foodstuff casing, characterized in that it comprises the following steps in the stated sequence:</p> <ul style="list-style-type: none"> - provision of a flat textile material (column 3, lines 44-47), - application of a layer of a mixture which contains at least one edible binder having adhesion properties and at least one aroma substance, dyestuff and/or food flavouring to the side which later faces the foodstuff (column 1, lines 27-30; column 1, line 67 - column 2, line 3), - drying the layer (column 1, lines 30-35), - shaping into a tubular shape (column 2, line 65 - column 3, line 3) and - permanent bonding of the longitudinal edges (column 2, line 65 - column 3, line 3). 		

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/001155

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

The subject matter of claim 12 is therefore not novel
(PCT Article 33(2)).

- 2.2. In addition, document D1 discloses an aqueous mixture which contains an edible binder having adhesion properties and an aroma substance, dyestuff and/or food flavouring (example 1).

The subject matter of claim 13 is therefore not novel
(PCT Article 33(2)).

3. The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claims 1 to 4, 6, 7, 10, 11 and 15 does not involve an inventive step within the meaning of PCT Article 33(3).

- 3.1. Document D1 is considered the closest prior art to the subject matter of claim 1. It discloses a foodstuff casing which has a coating, from which the subject matter of claim 1 differs in that the coating is essentially water-insoluble, so that it remains intact after the action of moisture and a uniform transfer of its components under all possible conditions is guaranteed.

Document D2 discloses the addition of components which decrease the water solubility, cf. for this document D2, paragraph [0026], also in order to achieve uniform transfer of the substances. If a person skilled in the art wishes to achieve the same purpose with a sausage casing according to document D1, it is possible for him without problem to decrease the water solubility of the coating as much as possible in view of its unwanted effects, and to use this feature in the subject matter of D1 also with corresponding effect. In this manner a person skilled in the art would arrive at a foodstuff casing according to claim 1 without thereby being

<p>WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY</p>		<p>International application No PCT/EP2005/001155</p>
<p>Box No. V</p>	<p>Reasoned statement under Rule 43bis, I(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p>	
	<p>inventive.</p> <p>The solution proposed in claim 1 of the present application cannot therefore be considered inventive (PCT Article 33(3)).</p> <p>3.2. Both documents disclose the use as artificial sausage casing of the foodstuff casings respectively described therein, therefore the solution proposed in claim 15 of the present application also cannot be considered inventive (PCT Article 33(3)).</p> <p>3.3. Dependent claims 2, 3, 4, 6, 7, 10 and 11 relate to structural features which are disclosed by the prior art cited in the search report, or are part of the routine considerations of a person skilled in the art, that is they are the result of routine technical activity and do not indicate an inspired design. Therefore no inventive step underlies the subject matter of dependent claims 2, 3, 4, 6, 7, 10 and 11.</p> <p>4. The combination of features contained in dependent claims 5, 8, 9 and 14 is neither known from the available prior art nor rendered obvious by it. The subject matter of claims 5, 8, 9 and 14 is thus novel (PCT Article 33(2)) and inventive (PCT Article 33(3)).</p>	